

PATENT



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : David S. Wardrop et al.  
 Application No. : 10/017,483  
 Filed : December 14, 2001  
 For : FUEL CELL SYSTEM SHUNT REGULATOR METHOD AND  
 APPARATUS

Examiner : Raymond Alejandro  
 Art Unit : 1745  
 Date of Notice  
 of Allowance : May 2, 2006  
 Docket No. : 130109.431  
 Date : August 2, 2006

Mail Stop Issue Fee  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

REMARKS AFTER ALLOWANCE

Commissioner for Patents:

This is in response to the Corrected Notice of Allowance dated July 28, 2006.

In the Restriction Requirement mailed July 14, 2003, the Examiner required election of one of three groups of claims:

- Group I – including claims 1-9;
- Group II – including claims 10-15; and
- Group III – including claims 16-20.

The Examiner also required election of one species, stating in part that claim 1 was generic to Group I. In response, Applicants elected the claims of Group I, which included claims 1-9, for consideration, and elected the species which resulted in claim 8 being withdrawn.

In the Corrected Notice of Allowance mailed July 28, 2006, claim 8 is included in the allowed claims. Further, the Examiner states, in pertinent part, “[T]he restriction requirement



as to the encompassed species is hereby withdrawn . . .” and “Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable.”

Applicants thank the Examiner for including claim 8 in the allowed claims. Additionally, Applicants respectfully note that, as the Examiner stated, the restriction requirement that was withdrawn in the instant application was the restriction as to the species in Group I, and not the restriction between Groups I, II and III. Because generic claim 1 of Group I was found allowable, all of the claims of Group I were allowed. However, because the claims of Groups II and III were not elected and were not examined, the provisions of 35 U.S.C. 121 are still applicable with respect to the claims of Groups II and III.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

A handwritten signature in black ink, appearing to read 'Frank Abramonte', is written over a horizontal line.

Frank Abramonte  
Registration No. 38,066

701 Fifth Avenue, Suite 6300  
Seattle, Washington 98104-7092  
Phone: (206) 622-4900  
Fax: (206) 682-6031

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